

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PEACE AND FREEDOM PARTY, et al.,  
Plaintiffs,  
v.  
SHIRLEY N. WEBER,  
Defendant.

Case No. 24-cv-08308-MMC

**ORDER DENYING PROPOSED  
INTERVENORS' ADMINISTRATIVE  
MOTION SEEKING LEAVE TO FILE  
MOTION TO DISMISS**

Before the Court is the "Administrative Motion Seeking Leave to File Brief in Support of Motion to Dismiss," filed January 31, 2025, by proposed intervenor-defendants Californians to Defend the Open Primary and Independent Voter Project. Plaintiffs have filed opposition thereto. Having read and considered the Administrative Motion and the opposition, the Court rules as follows.


Proposed intervenors' Motion to Intervene, likewise filed January 31, 2025, is noticed for hearing on March 28, 2025. By the instant Administrative Motion, proposed intervenors seek leave to file a motion to dismiss and to have the motion to dismiss heard on March 28, 2025, as well. In that proposed intervenors presently are not parties to the above-titled action, and a motion to dismiss can only be filed by a "party," see Fed. R. Civ. P. 12(b), the Administrative Motion seeks, in essence, an exception to such rule. Proposed intervenors have failed, however, to cite any authority providing for such relief, let alone a need to proceed in such extraordinary manner.

With respect to proposed intervenors' alternative request that their motion to dismiss be considered an amicus brief in support of the Secretary of State's motion to dismiss, the Court finds such request, in light of the pending motion to intervene, premature.

Accordingly, for all the reasons stated above, the Administrative Motion is hereby  
DENIED.

**IT IS SO ORDERED.**

Dated: February 10, 2025

  
MAXINE M. CHESNEY  
United States District Judge

United States District Court  
Northern District of California